

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

ERIC FAUBEL, DEVEON SMITH, and  
TRINITY UPPOLE, individually and  
on behalf of all other similarly  
situated individuals,

Plaintiffs,

v.

Civil Action No. 2:17-cv-02410

GROGG'S HEATING & AIR  
CONDITIONING, INC.,

Defendant.

ORDER

Pending is the parties' joint motion, filed March 1, 2018, for approval of a settlement agreement and for dismissal of this action with prejudice.

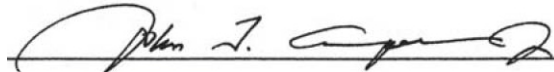
Because the plaintiffs' cause of action is for back wages under the Fair Labor Standards Act ("FLSA"), settlement of their claim requires the court to scrutinize the agreement for fairness. See Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350, 1352-53 (11th Cir. 1982). On May 22, 2018, the court entered an order concluding that the settlement is fair; however, the court declined to approve the settlement agreement at that time. Instead, the court conditioned its approval on the parties stipulating within fourteen days to strike the agreement's confidentiality provision. On May 31, 2018, the

parties, by counsel, stipulated that the confidentiality provision be stricken from the agreement. (See ECF #35).

Accordingly, it is ORDERED that the parties' joint motion for approval of a settlement agreement and for dismissal of this action with prejudice be, and hereby is, granted and that this matter be stricken from the docket of the court.

The Clerk is directed to transmit copies of this order to all counsel of record and to any unrepresented parties.

ENTER: June 1, 2018

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", written over a horizontal line.

John T. Copenhaver, Jr.  
United States District Judge